

REMARKS

Claim 1 has been amended to incorporate therein the recitation of claims 5 and 6. Claims 5 and 6 have been canceled.

Withdrawn method claim 8 has been amended to include all of the limitations of amended device claim 1. If amended claim 1 is found to be allowable, Applicants respectfully request rejoinder of the withdrawn method claims pursuant to MPEP § 821.04.

Review and reconsideration on the merits are requested.

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0178631 to Udagawa (US '631) in view of U.S. Patent No. 6,259,122 to Ota et al. Fig. 1 of US '631 including intermediate n-type BP-based semiconductor layer 105 provided between light-emitting layer 104 and upper cladding layer 106 was cited as substantially meeting the terms of the rejected claims. The Examiner relied on Ota et al. as disclosing a related LED device including an n-type electrode 101 formed on n-type cladding layer 3. The reason for rejection was that it would have been obvious to provide an n-type electrode attached to the lower cladding layer 103 in the device of US '631 so as to reduce contact resistance.

Applicants respond as follows.

The structural features of claims 5 and 6 as incorporated into claim 1 are not found or otherwise described in US '631.

Particularly, there is no description in paragraphs [0038] to [0040] of US '631 cited by the Examiner concerning the crystal face orientation of the light-emitting layer and that of an intermediate layer.

On the other hand, paragraph [0044] of US '631 describes that the evaporation-preventing layer 105 constructed from a {110} crystal plane of BP is stacked on the light-emitting layer 104 composed of $\text{Ga}_{0.9}\text{In}_{0.1}\text{N}$ having a (0001) plane. However, the crystal face orientation as cited in claims 5 and 6 (as incorporated into claim 1) is (111) that is different from the crystal face orientation of US '631.

In summary, claim 1 has been amended to incorporate therein the recitation of claims 5 and 6, to clearly distinguish the structure of the pn-heterojunction compound semiconductor light-emitting device from that of US '631, and withdrawal of the foregoing rejection is respectfully requested.

Withdrawal of all rejections, rejoinder of withdrawn method claims 8-14 and allowance of claims 1-4 and 7-14 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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